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March 9, 2021

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**Via ECF**

The Honorable P. Kevin Castel  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Bah v. Apple Inc., et al.*, No. 1:19-cv-03539 (PKC)  
Request to Renew Apple's Motion to Dismiss as Directed to the Third Amended Complaint

Dear Judge Castel:

We represent Defendant Apple Inc. ("Apple") and write to renew Apple's previously-filed Motion to Dismiss the Second Amended Complaint so that it is directed to Plaintiff's recently-filed Third Amended Complaint in accordance with the Court's February 9, 2021 Order. (ECF No. 133.) By way of background, on October 13, 2020, Apple filed a Motion to Dismiss the Second Amended Complaint in its entirety as to Apple, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF Nos. 112-14.) On February 9, 2021, the Court granted Plaintiff leave to file a Third Amended Complaint for the limited purpose of identifying by name the officers of the New York City Police Department whom Plaintiff had referred to as John Doe defendants in the Second Amended Complaint. (ECF No. 133.) In the Order, the Court stated that if Plaintiff filed a Third Amended Complaint, Apple would be permitted to file a letter to renew its prior Motion to Dismiss as directed to the Third Amended Complaint.

On February 10, 2021, Plaintiff filed a Third Amended Complaint. (ECF No. 134.) As exhibited in Attachment 1 to this letter, which is a redline document that compares the Third Amended Complaint to the Second Amended Complaint, Plaintiff has now identified the John Doe defendants. No other revisions have been made to the substance of the Second Amended Complaint and therefore all page numbers, paragraph numbers, and headings remain unchanged. Consequently, Apple respectfully requests that its Motion to Dismiss Plaintiff's Second Amended Complaint (ECF No. 112), including its Memorandum of Law, (ECF No. 113), the Declaration of Katie L. Viggiani and attached exhibit, (ECF No. 114), and Apple's Reply, (ECF No. 125), be directed to the Third

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Amended Complaint and that Apple's references and citations to the Second Amended Complaint in its papers be read as references and citations to the Third Amended Complaint.

Respectfully submitted,

/s/ Carrie Cohen  
Carrie H. Cohen

cc: All counsel of record (via ECF)